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1. The board decision of 31 March 2010 has been considered.

Made of record but not making Applicants invention obvious are patents to Asbury and Roncato showing pertinent nipping features.

The amendment below distinguishes over the prior art of record.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Gehris on 08 April 10.

The claims have been amended as follows;

On line 9 of page 1 of the specification, "5,740,704" has been changed to -5,740,709--.

Claim 22: A cutting and nipping device for cutting and nipping a web, comprising:

a first cutting cylinder having a first segmented cutting blade with axially spaced first blade edges and having first blade sides and a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides; and

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a first anvil cylinder having a first anvil cylinder nipping surface extending circumferentially about the first anvil cylinder;

the first cutting cylinder nipping surface and the first anvil cylinder nipping surface providing a first nip for gripping the web about the first segmented cutting blade,

the first blade edges extending radially beyond the first cutting cylinder nipping surface when the first blade edges are apart from the first anvil cylinder,

a second cutting and nipping device for cutting and nipping the web, the second cutting and nipping device having:

a second cutting cylinder, the second cutting cylinder having a second segmented cutting blade with axially spaced second blade edges and a second cutting cylinder nipping surface extending circumferentially about the second cutting cylinder from the second blade edges; and

a second anvil cylinder, the second anvil cylinder having a second anvil cylinder nipping surface extending circumferentially about the second anvil cylinder;

the second cutting cylinder nipping surface and the second anvil cylinder nipping surface providing a second nip for gripping the web about the second segmented cutting blade

the second blade edges extending radially beyond the second cutting cylinder nipping surface when the second blade edges are apart from the second anvil cylinder,

the segments of the first segmented cutting blade being axially offset from the segments of the second segmented cutting blade, such that the first segmented cutting blade makes a perforation cut in the web and the second segmented cutting blade converts the perforation cut into a full cut of the web.

Claims 33-40 have been cancelled.

3. The following is an examiner's statement of reasons for allowance:

The patent to Boston (5,740,709) shows the general concept of two roller pairs, with successive pairs having axially offset perforating segments to cause a perforation cut followed by a full cut. Boston uses belts (140) to create a nipping surface on one of the cylinder pairs, and the other cylinder pair has no nipping surface.

The use of circumferential nipping surfaces, as defined by the first board decision, is known in the art of rotary perforators as seen in Broderick (3,954,034), see lines 30-36, column 3, however, Broderick's nipping surface extends past the blades.

The use of a nipping surface that does not extend past the blade is known as seen in Roncato (4,406,196), see figure 4b, but this is in a somewhat different context, for cutting threads.

Modifying Boston's second pair of cylinders to have a circumferential nipping surface is problematic, since the belts would preclude the nipping surface from gripping the web, and removing the belts would require adding web advancing mechanisms to

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replace the belt's upstream and downstream portions. Furthermore, Roncato's rationale for the blade extending past the nipping surface is not applicable to Boston's scenario.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Peterson whose telephone number is (571)272-4512. The examiner can normally be reached on Monday-Thursday, 7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Kenneth Peterson/  
Primary Examiner, Art Unit 3724